



## Senate

General Assembly

**File No. 73**

February Session, 2006

Substitute Senate Bill No. 195

*Senate, March 22, 2006*

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING PROTECTION OF OPEN SPACE LAND SURROUNDING CANDLEWOOD LAKE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2       section, "Candlewood Lake open space property" means  
3       approximately four hundred fifty-four acres located in the town of  
4       New Fairfield known as Vaughn's Neck, approximately two hundred  
5       fifty-six acres located in the town of New Milford known as Great  
6       Mountain or Candlewood Mountain, approximately fifty-two acres  
7       located in the town of Sherman known as Deer Island and  
8       approximately thirty-seven acres located in the town of Sherman  
9       known as Green Island, and "open space or recreational purposes"  
10      means use of lands for agriculture, parks, natural areas, forests,  
11      camping, fishing, wetlands preservation, wildlife habitat, reservoirs,  
12      hunting, boating, swimming and hiking.

13      (b) Upon a decision to lease, sell or dispose of Candlewood Lake  
14      open space property, the owner of such property shall provide written

15 notice to the Commissioner of Environmental Protection of such  
16 decision.

17 (c) Not later than thirty days after receipt of the notice pursuant to  
18 subsection (b) of this section, the commissioner shall provide written  
19 notice to the town in which the subject Candlewood Lake open space  
20 property is located and the nonprofit land holding organizations that  
21 have submitted information pursuant to subsection (b) of section 16-  
22 50c of the general statutes.

23 (d) A recipient of a notice pursuant to subsection (c) of this section  
24 may, not later than ninety days after receipt of the notice, provide  
25 written notice to the commissioner and the owner of the subject  
26 Candlewood Lake open space property by certified mail, return receipt  
27 requested, of a desire to acquire such land. Each recipient shall have  
28 the right to acquire the interest in the land which the owner of the  
29 subject property has declared its intent to sell, lease or otherwise  
30 dispose of, provided the recipient offers fair market value for such  
31 property.

32 (e) When more than one person gives notice of a desire to acquire  
33 the subject Candlewood Lake open space property, the right to acquire  
34 such land shall be in the following order: (1) A water company, as  
35 defined in section 25-32a of the general statutes, for water supply  
36 purposes; (2) a municipality in which the land is located for water  
37 supply, open space or recreational purposes; (3) the state for open  
38 space or recreational purposes; (4) a private, nonprofit land holding  
39 organization for open space or recreational purposes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	New section

**ENV****Joint Favorable Subst.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 07 \$	FY 08 \$
New Fairfield; New Milford; Sherman	Cost	Potential Minimal	Potential Minimal

**Explanation**

Any increase in the administrative workload of the Department of Environmental Protection (DEP), the towns of New Fairfield, New Milford, and Sherman due to the notification requirements in the bill are anticipated to be minimal and within the resources of the DEP and the towns involved

**The Out Years**

The ongoing fiscal impact identified above would continue into the future.

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**OLR Bill Analysis**  
**sSB 195**

***AN ACT CONCERNING PROTECTION OF OPEN SPACE LAND  
SURROUNDING CANDLEWOOD LAKE.***

**SUMMARY:**

This bill requires landowners to notify the Department of Environmental Protection (DEP), and DEP to notify towns surrounding Candlewood Lake and certain nonprofit landholding organizations, about the sale of open space property surrounding the lake ("Candlewood Lake open space property"). It specifies these entities' right to acquire the property, for fair market value, when the owner chooses to sell the land. It designates the order in which prospective buyers may acquire the property if more than one entity wishes to purchase the land.

EFFECTIVE DATE: Upon passage

***Candlewood Lake Open Space Property***

Under the bill, "Candlewood Lake open space property" means approximately:

1. 454 acres in New Fairfield known as Vaughn's Neck,
2. 256 acres in New Milford known as Great Mountain or Candlewood Mountain,
3. 52 acres in Sherman known as Deer Island, and
4. 37 acres in Sherman known as Green Island.

***Notification***

The bill requires owners of Candlewood Lake open space property to notify DEP in writing when they decide to lease, sell, or dispose of

the property.

DEP, within 30 days of receiving such a notice, must notify the town in which the land is located and any nonprofit landholding organization, which submitted information under existing law to the Department of Public Utility Control concerning disposition of certain land, to be notified of the Candlewood property availability.

***Land Acquisition Right and Order of Consideration***

A town or landholding organization that receives a notice may, no later than 90 days after receipt, notify, by return-receipt-requested mail, the commissioner and the landowner of its desire to acquire the land. Each notified town or organization has the right to acquire an interest in the land, but must offer fair market value for it.

When more than one entity notifies DEP of a desire to acquire the Candlewood Lake open space property, the right to acquire the property is in the following order:

1. a water company, which by law means any individual, partnership, association, corporation, municipality, or other entity, or one of their lessees, that owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more persons on a regular basis (CGS § 25-32a);
2. a municipality in which the land is located, for water supply, open space, or recreational purposes;
3. the state, for open space or recreational purposes; and
4. a private, nonprofit landholding organization, for open space or recreational purposes.

Under the bill, “open space or recreational purposes” means for agriculture, parks, natural areas, forests, camping, fishing, wetlands preservation, wildlife habitat, reservoirs, hunting, boating, swimming,

and hiking.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea     25     Nay   0     (03/08/2006)